

TOWN OF GREENVILLE
ORDINANCE NO. 2010-T-047

**ORDINANCE CONCERNING THE REGULATING OF STRUCTURES,
MOBILE HOMES, GARBAGE RECEPTACLES, PARKING, BUILDING
LINES, WEEDS AND GRASS IN THE TOWN OF GREENVILLE,
INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public health, safety and welfare, has deemed it necessary that the Town amend Ordinance 1982-02 dated June 8th, 1982, Ordinance dated September 13th, 1976 and Ordinance 2008-T-086 dated August 11th, 2008 which regulates structures, mobile homes, garbage receptacles, parking, building lines, weeds and grass within the corporate limits of The Town Of Greenville, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

BE IT ORDAINED, that SECTION I, of the Ordinance entitled "An Ordinance regulating structures, mobile homes, garbage receptacles, parking, building lines, weeds and grass in the Town of Greenville" dated the 13th day of September, 1976 and Ordinance 1982-02 dated June 8th, 1982 be, and the same hereby is, amended to read as follows:

JUNKYARD:

"To operate or permit the operation of a junk yard within the corporate limits of the Town of Greenville without first having obtained from the Town Board of Greenville a permit to do so. For the purposes of this Ordinance, a junk yard shall be defined as any tract or parcel of land, or part or portion thereof, located within the corporate limits of the Town of Greenville, Indiana, upon which there is stored, kept, collected, deposited, or maintained, except in a fully enclosed building or structure so as to not to be visible from any adjoining property or public street or alley, any unlicensed or inoperable motor vehicle, trash, rubbish, garbage, or any other material inconsistent with the permitted residential, commercial, or industrial use of the real estate where located, and not being used for the purpose for which such material was originally manufactured.

BE IT ORDAINED, that SECTION II, of the Ordinance entitled "An Ordinance regulating structures, mobile homes, garbage receptacles, parking, building lines, weeds and grass in the Town of Greenville" dated the 13th day of September, 1976 and Ordinance 1982-02 dated June 8th, 1982 be, and the same hereby is, amended to read as follows

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{A} To park, erect, place or move or permit the placing or parking or moving or erection of the trailer, mobile home, or manufactured home on any real estate within the corporate limits of the Town of Greenville, unless such trailer, mobile home, or manufactured home shall meet or exceed the following requirements and limitations:

{1} The structure shall meet all requirements applicable to single family dwellings and possess all necessary improvement location, building, and occupancy permits and other certifications required by the state wide building code adopted by the Indiana Administrative Building Council for One and Two Family Residential Dwellings.

{2} The structure shall be larger than 950 square feet of occupied space.

{3} The structure shall be attached and anchored to a permanent foundation in conformance with the regulations of the Indiana One and Two Family Dwelling Code and in conformity with installation specifications provided by manufacturer.

{4} The structure shall be covered with an exterior material customarily used on site built residential dwellings and such material shall extend over the top of the foundation.

{5} The structure shall have a roof composed of a material customarily used on site built residential dwellings, such as fibreglass, shale, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used.

{B} Storage Structures {new and existing}: trailers, mobile homes, garbage receptacles, shipping containers, semi trailers, vans, or enclosed structures from back of delivery trucks shall not be permitted as storage structures within the corporate limits of the Town of Greenville. Set back Ordinance 2009-T-065 or successor Ordinance if Ordinance is repealed

ENFORCEMENT:

Enforcement of this Ordinance shall be pursuant to I.C. 36-1-6-3 or I.C. 36-1-6-4, or a successor statute if said statute is repealed.

Fines and Penalties:

1. If levied fines are not paid within 30 days, a lien will be sought against person or person's responsible real estate in accordance with I.C. 36-1-6-2.

2. The Town of Greenville may pursue any and all penalties described in I.C. 36-1-6-3 in addition to the penalties described in I.C. 36-1-6-4, or a successor statute if said statute is repealed.

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3. No penalty shall be levied for violation of this Ordinance, nor shall any action be taken by the Town to bring the real property into compliance with this Ordinance, unless all persons holding a substantial interest in the property are given a reasonable opportunity to bring the property into compliance.

4. The Town shall give all persons holding a substantial interest in any Real property, which is not in compliance with this Ordinance ten {10} days written notice to correct the condition and bring the property into compliance. Such notice may be in person by any member of the Greenville Marshal Department, or by mailing it by registered or certified mail with return receipt requested.

5. That for each day any person or entity shall be in violation of this Ordinance after the ten {10} day period set forth in paragraph one {1} above, said person shall be fined an amount not less than fifty dollars {\$50.00} per day plus Attorney fees and Court Cost.

6. Furthermore, if the condition of said real estate has not been corrected within thirty {30} days after the aforesaid ten {10} day notice period, the Town may cause to be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer in the following year together with a penalty of ten percent {10%} in accordance with IC 36-1-6-2 or successor statute, if said statute is repealed.

7. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.

8. This Ordinance replaces Ordinance 2008-T-086 dated August 11th, 2008. Ordinance 2008-T-086 shall be moved to the voided Ordinance file after passage of this Ordinance.

9. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.

10. The Town of Greenville Clerk Treasurer shall attach a copy of the publication and related information to the original signed Ordinance and a PDF file shall be added to the electronic file copy of this Ordinance.

11. Any unlawful provision found in this ordinance shall not effect the remaining provision.

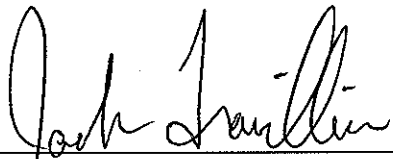
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ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE

16TH DAY OF August, 2010.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

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IC 36-1-6

Chapter 6. Enforcement of Ordinances

IC 36-1-6-1 Application of chapter

Sec. 1. This chapter applies to all municipal corporations having the power to adopt ordinances. *As added by Acts 1980, P.L.211, SEC.1.*

IC 36-1-6-2

**Action to bring compliance with ordinance conditions; expense as
Hen against property; enforcement of delinquent fees and penalties**

Sec. 2. (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. Continuous enforcement orders (as defined in IC 36-7-9-2) can be enforced and liens may be assessed without the need for additional notice. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

(1)ten thousand dollars (\$10,000) for real property that:

(A)contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or

(B)is unimproved; or

(2) twenty thousand dollars (\$20,000) for all other real property not described in subdivision (1).

(b)The municipal corporation may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.

(c)A bill issued under subsection (b) is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.

(d)Whenever a municipal corporation determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare:

(1) a list of delinquent fees and penalties that are enforceable under this section, including:

(A)the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;

(B)a description of the premises, as shown on the records of the county auditor; and

(C) the amount of the delinquent fees and the penalty; or (2) an instalment for each lot or parcel of real property on which the fees are delinquent.

(e)The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.

(f)The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.

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(g) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.

(h) The municipal corporation shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller; upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

(i) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h).

As added by Acts 1980, P.L.211, SEC.1 Amended by P.L.50-2002, SEC.1; P.L.144-2003, SEC.1; P.L.177-2003, SEC.2; P.L.131-2005, SEC.5; P.L.88-2006, SEC.7; P.L.194-2007, SEC.8; P.L.88-2009, SEC.5.

IC 36-1-6-3

Proceeding to enforce ordinance; law applicable

Sec. 3. (a) Certain ordinances may be enforced by a municipal corporation without proceeding in court through:

(1) an admission of violation before the violations clerk under IC 33-36; or

(2) administrative enforcement under section 9 of this chapter,

(b) Except as provided in subsection (a), a proceeding to enforce an ordinance must be brought in accordance with IC 34-28-5, section 4 of this chapter, or both.

(c) An ordinance defining a moving traffic violation may not be enforced under IC 33-36 and must be enforced in accordance with IC 34-28-5.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.108, SEC.39; P.L.177-1988, SEC.8; P.L.130-1991, SEC.35; P.L.1-1998, SEC.202; P.L.98-2004, SEC.159.

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IC 36-1-6-4

Civil action by municipal corporation; action by court

Sec. 4. (a) A municipal corporation may bring a civil action as provided in IC 34-28-5-1 if a person:

(1) violates an ordinance regulating or prohibiting a condition or use of property; or
(2) engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.

(b) A court may take any appropriate action in a proceeding under this section, including any of the following actions:

(1) Issuing an injunction.
(2) Entering a judgment.

(3) Issuing a continuous enforcement order (as defined in IC 36-7-9-2).

(4) Ordering the suspension or revocation of a license.

(5) Ordering an inspection.

(6) Ordering a property vacated.

(7) Ordering a structure demolished.

(8) Imposing a penalty not to exceed an amount set forth in IC36-1-3-8(a)(10).

(9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.

(10) Ordering a defendant to take appropriate action to bring a property into compliance with an ordinance within a specified time.

(11) Ordering a municipal corporation to take appropriate action to bring a property into compliance with an ordinance in accordance with IC 36-1-6-2.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L. 194-2007, SEC. 9; P.L. 88-2009, SEC. 6.